

HOUSE No. 2655

By Mr. Walsh of Boston, petition of Thomas M. Menino and others that the Department of Public Health be directed to promulgate rules and regulations for the sale of hypodermic syringes and needles and other related instruments. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Thomas M. Menino	Martha M. Walz
Martin J. Walsh	Brian P. Wallace
Gloria L. Fox	Richard T. Moore
Dianne Wilkerson	Joyce A. Spiliotis
Elizabeth A. Malia	Shirley Gomes
Kevin G. Honan	

In the Year Two Thousand and Five.

AN ACT RELATIVE TO HIV AND HEPATITIS C PREVENTION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 94C of the General Laws, as
2 appearing, in the 1998 Official Edition, is hereby amended by
3 striking out the word “injecting”.

1 SECTION 2. Section 1 of chapter 94C of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out subsection (11).

1 SECTION 3. Chapter 94C of the General Laws is hereby
2 amended by striking out section 27 and inserting in place thereof the
3 following section:—

4 Section 27. Hypodermic syringes, hypodermic needles and any
5 other instrument adapted for the administration of controlled sub-
6 stances by injection may be sold in the commonwealth only to
7 persons who have attained the age of 18 years and only by a phar-
8 macist or wholesale druggist, who is licensed under the provisions

9 of chapter 112, a manufacturer of or dealer in surgical supplies, or
10 a manufacturer of or dealer in embalming supplies.

1 SECTION 4. Section 32I of Chapter 94C of the General Laws
2 is hereby amended by striking out in line 6 the word “inject”.

1 SECTION 5. Section 32I of Chapter 94C of the General Laws
2 is hereby amended by adding at the end thereof the following
3 paragraph:—

4 (d) The provisions of this section shall not apply to the sale of
5 hypodermic syringes, hypodermic needles or any other instrument
6 adapted for the administration of controlled substances by injec-
7 tion to persons over the age of 18 pursuant to section 27.

1 SECTION 6. Chapter 111 of the General Laws, as most recently
2 amended by Chapter 66 of the Acts of 2000, is hereby amended
3 by adding, the following section:—

4 Section 25K. The department may develop an educational insert
5 to accompany the sale of hypodermic syringes and needles. Such
6 educational insert shall include, but not be limited to, (1) informa-
7 tion on the proper use of hypodermic syringes and needles, (2) the
8 risk of blood borne diseases that may result from the use of hypo-
9 dermic syringes and needles and methods for preventing the contrac-
10 tion or transmission of such diseases, (3) proper hypodermic syringe
11 and needle disposal practices, and (4) the toll-free telephone number
12 of the Commonwealth’s AIDS and Hepatitis C hotlines. Such educa-
13 tional insert shall be provided to purchasers of hypodermic syringes
14 and needles at the point of sale.

1 SECTION 7. Chapter 111 of the General Laws is hereby amended
2 by striking out section 215 and inserting in place thereof the
3 following section:—

4 Section 215. Notwithstanding any changes made to section 27
5 of Chapter 94C of the General Laws, the department of public
6 health is hereby authorized to promulgate rules and regulations for
7 the implementation of programs for the exchange of hypodermic
8 syringes and needles in cities and towns within the commonwealth
9 upon nomination by the department.

1 SECTION 8. Chapter 175 of the General Laws, as most recently
2 amended by Chapter 355 of the Acts of 2000, is hereby amended by
3 inserting after section 47V, the following section:—

4 Section 47W. No individual policy of accident and sickness
5 insurance issued or renewed pursuant to section 110, shall restrict
6 or discontinue coverage for medically necessary hypodermic
7 syringes and needles, notwithstanding any changes made to
8 section 27 of Chapter 94C of the General Laws.

1 SECTION 9. Chapter 176A of the General Laws, as most recently
2 amended by Chapter 355 of the Acts of 2000, is hereby amended by
3 inserting after section 8V, the following section:—

4 Section 8W. No contract between a subscriber and the corpora-
5 tion under an individual or group hospital service plan which is
6 delivered, issued, or renewed in the commonwealth shall restrict
7 or discontinue coverage for medically necessary hypodermic
8 syringes and needles to any individual subscribers and members
9 within the commonwealth and to any group members having a
10 principal place of employment within the commonwealth,
11 notwithstanding any changes made to section 27 of Chapter 94C
12 of the General Laws.

1 SECTION 10. Chapter 176B of the General Laws, as most
2 recently amended by Chapter 355 of the Acts of 2000, is hereby
3 amended by inserting after section 4V, the following section:—

4 Section 4W. No subscription certificate, under an individual or
5 group medical service agreement, delivered, issued or renewed in
6 the commonwealth shall restrict or discontinue coverage for med-
7 ically necessary hypodermic syringes and needles to any indi-
8 vidual subscribers and members within the commonwealth and to
9 any group members having a principal place of employment
10 within the commonwealth, notwithstanding any changes made to
11 section 27 of Chapter 94C of the General Laws.

1 SECTION 11. Chapter 176G of the General Laws, as most
2 recently amended by Chapter 141 of the Acts of 2000, is hereby
3 amended by inserting after section 4M, the following section:—

4 Section 4O. No individual or group health maintenance contract
5 shall restrict or discontinue coverage for medically necessary

6 hypodermic syringes and needles, notwithstanding any changes
7 made to section 27 of Chapter 94C of the General Laws.

1 SECTION 12. Section 79 of chapter 277 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out the words:— Possession of hypodermic instrument.
4 That A.B. did have in his possession unlawfully a hypodermic
5 syringe and needle. Sale and delivery of hypodermic instrument.
6 That A.B. did unlawfully sell (or deliver) a hypodermic syringe
7 (or needle).